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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/061,441	04/16/1998	LEO JOHN WILZ	38292R1	1675

7590

05/03/2002

JOHN H. SHERMAN, LEGAL DEPARTMENT
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EXAMINER

LEGREE, TRACY MICHELLE

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 05/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/061,441	WILZ, LEO JOHN	
	Examiner	Art Unit	
	Tracy M. Legree	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-24 is/are allowed.
- 6) ☒ Claim(s) 25-27, 29 and 30 is/are rejected.
- 7) ☒ Claim(s) 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 25, 29 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Seki et al. (hereafter Seki), U.S. Patent No. 5,805,643.

Regarding **claim 25**, Seki discloses a communication system, diversity architecture receiving circuitry having a first (11) and second (21) signal receiving having first and second signal receiving paths, wherein for a given incoming radio signal, the first and second receiving paths are respectively selectable (via selector 31,45) to provide respective different signal processing characteristics for the given incoming radio signal. (Figures 1, 2 & 4; col. 1, lines 26-55; col. 3, line 60 – col. 4, line 55; col. 4, lines 10-49)

Regarding **claim 29**, Seki discloses all the limitations of claim 25 and further discloses the communication system with a common intermediate frequency stage shared by the first and second receiving paths. (Figure 2)

Regarding **claim 30**, Seki discloses all the limitations of claim 25 and further discloses the communication system with a first (10) and second (20) antennas for supplying a given incoming radio signal to the first and second receiving paths. (Figures 1, 2 & 4)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seki as applied to claim 25 above, and further in view of Onishi et al. (hereafter Onishi), U.S. Patent No. 5,335,251 and in further view of Takayama et al. (hereafter Takayama), U.S. Patent No. 5,390,342.

Regarding **claim 26**, Seki discloses all the limitations of claim 25, but fails to disclose the communication system wherein the first signal receiving path comprises an amplifier for the received radio signal with a feedback loop for providing a signal path with different amplifier characteristics than the second signal receiving path. In same field of endeavor Onishi discloses a communication system having a first (3) and second (4) receiving paths wherein each receiving path comprises an amplifier for the

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received radio signal and a switch for selecting either the first or second receiving path. (Figure 3; col. 3, line 47- col. 4, line 17) It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Seki such that the first and second receiving path included an amplifier for amplifying the received radio signal for the purpose of amplifying the received signal to a suitable RF level. In analogous art, Takayama is evidence of the use of an amplifier having a feedback circuit that produces a signal for controlling the characteristics of the amplifier. (Figures 1, 2, 4, 5(a), 6 and 9; col. 6, line 59-col. 7, line 3) It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Seki and Onishi to include a feedback circuit for the purpose of improving the efficiency of the amplifier and improving the quality of the signal output from the receiving path.

Regarding **claim 27**, the combination of Seki in view of Onishi and in view of Takayama discloses all the limitations of claim 26 and Takayama further discloses the communication system wherein the feedback loop includes a switch for selectively activating the feedback loop. (Figure 5(a); col. 6, line 59-col. 7, line 3)

Allowable Subject Matter

5. Claim 28 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claims 18-24 are allowed over the prior art of record.

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7. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 18, the prior art fails to teach or suggest the communication system comprising a selector disposed between said first input amplifier and said intermediate frequency stage and between said second antenna and said second input amplifier for selecting operation of the communications transceiver between said first and second antenna, wherein said first input amplifier includes a feedback loop for altering the operation characteristics of said first input amplifier in receiving mode in conjunction with all the limitations of independent claim 18.

Regarding claim 21, the prior art of record fails to teach or suggest a selector disposed between said first receiving amplifier and said intermediate frequency stage and between said second antenna and said second receiving amplifier for selecting operation of the communication transceiver between the first and second antennas in conjunction with all the limitations of independent claim 21.

Response to Arguments

8. Applicant's arguments with respect to claim 25-27, 29 and 30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

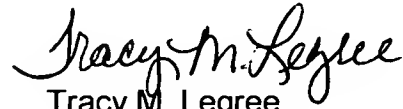
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tracy M. Legree whose telephone number is (703) 305-3859. The examiner can normally be reached on Mon-Thur and alternate Fri 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on (703) 305-4778. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Tracy M. Legree
Primary Examiner
Art Unit 2681

TML
May 2, 2002